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6 **CITY OF LONG BEACH**
7 **ADMINISTRATIVE APPEAL HEARING**
8 **PER LONG BEACH MUNICIPAL CODE CHAPTER 15.34.030.L**

9 **DIANNE WALKER,**) **HEARING OFFICER’S FINDINGS AND**
10 **Appellant,**) **RECOMMENDATION**
11 **vs.**)
12 **CITY OF LONG BEACH,**)
13 **Respondent/Permitting**)
14 **Authority**)
15 **CROWN CASTLE NG WEST LLC,**)
16 **Real Party in Interest /**)
17 **Permit Applicant**)

18
19 **I. INTRODUCTION**

20 This appeal came on regularly for hearing before Administrative Hearing Officer
21 Jonathan C. Navarro on October 5, 2020 at 3:00 PM via WebEx virtual hearing. The WebEx
22 hearing was administered by Daniel Ramirez with the Public Works Department for the City of
23 Long Beach. The Appellant, Dianne Walker, appeared *pro se*. The City of Long Beach (“City”
24 or “Respondent”) appeared and was represented by Jeffrey T. Melching, Esq., RUTAN &
25 TUCKER, LLP. Licensee Crown Castle NG West LLC (“Crown” or “Applicant”) appeared and
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1 was represented by Stephen Garcia. The Public Works Department (“PWD”) for the City of
2 Long Beach was represented by Joshua Hickman and Pablo Leon.

3 Also present during the WebEx virtual hearing was Erin Weesner-McKinley, Esq. with
4 the Office of the City Attorney for the City of Long Beach. The following members of the public
5 also appeared: Sarah Ettner (also resides at Appellant’s address), Kindra Sudduth (Appellant’s
6 daughter who also resides at Appellant’s address), Jesus Sarinana (resides at 112 East Adams St.,
7 Long Beach, CA 90805), Melissa (declined to provide last name and residence address), Sharad
8 (declined to provide last name and residence address), and Patricia Long (declined to provide
9 residence address).
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11 **II. STATEMENT OF FACTS**

12 On or around August 6, 2019, Crown submitted an application (“Application”) for a
13 permit to the City for the installation of a “small cell” wireless telecommunications facility
14 (“WTF”) in the public right-of-way. (See Respondent’s Ex. 2). The Application process is
15 governed by Chapter 15.34 of the Long Beach Municipal Code (“LBMC”) that includes
16 requirements and applicable standards for WTFs in the public right-of-way to ensure that the
17 proposed WTF complies with said requirements and standards. WTF means equipment installed
18 for the purpose of providing wireless transmission of voice, data, images, or other information
19 including but not limited to, cellular telephone service, personal communications services, and
20 paging services, consisting of equipment, antennas, and network components such as towers,
21 utility poles, transmitters, base stations, conduits, pull boxes, electrical meters, and emergency
22 power systems. WTF does not include radio or television broadcast facilities, nor radio
23 communications systems for government or emergency services agencies. LBMC
24 15.34.020.EE. “Public right-of-way” means any public highway, street, alley, sidewalk,
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1 parkway, parking lot, and all extensions or additions thereto which is either owned, operated,
2 or controlled by the City, or is subject to an easement or dedication to the City, or is a
3 privately-owned area within City’s jurisdiction which is not yet dedicated, but is designated as
4 a proposed public right-of-way on a tentative subdivision map approved by the City. LBMC
5 15.34.020.S.
6

7 The Application sought a permit for the installation of a proposed WTF in the public
8 right-of-way in front of the property located at 109 E. Scott Street, which is in a residential
9 zoning district and is within two-hundred (200) feet of Long Beach Boulevard. The proposed
10 WTF will be integrated into a new light pole that will replace the existing light pole at the site
11 that is designated as “ATTLYN15” in the Application (“Site”). In addition, the proposed WTF
12 would be higher with an antenna that will be placed in a shroud at the top of the new light pole
13 and painted to match the color of the pole. An equipment box, to be painted to match the pole,
14 will also be mounted on the pole out of reach of pedestrians.
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16 Upon four (4) subsequent rounds of reviews and plan revisions—the latest being
17 February 11, 2020, the City approved the Application on March 2, 2020. (see approval stamp on
18 Respondent’s Ex. 9, p. 130). Thereafter, pursuant to LBMC 15.34.030.K., a notice of the
19 approval was mailed out on March 19, 2020, and a posted notice was placed on the pole in front
20 of Appellant’s home on March 30, 2020. (See Respondent’s Ex. 13, p. 150 [proof of mailing];
21 Respondent’s Ex. 14, p.151 [proof of posting]; Respondent’s Ex. 15, p. 152 [proof of posting].)
22 Said posted notice triggered the commencement of the 10-day appeal period under LBMC
23 §15.34.030.L. The deadline for filing an appeal was April 9, 2020. Appellant filed the Appeal on
24 April 8, 2020. (See Respondent’s Ex. 1, p. 1.).
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1 **III. LEGAL AUTHORITY FOR APPEAL**

2 LBMC 15.34.030.L. (Appeal of Tier B Wireless Right-of-Way Facility Permit)

3 provides ...

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- 5 1. Appeal Allowed. The applicant for a Tier B Wireless Right of Way Facility
- 6 Permit, and/or any person owning or residing at property that is adjacent to
- 7 or across the street to the location of a proposed Tier B Wireless
- 8 Telecommunications Facility, may appeal an approval or denial of an
- 9 application for a Tier B Wireless Right-of-Way Facility Permit. An appeal
- 10 must be in writing and must be submitted to the City Clerk within ten (10)
- 11 business days of the date the notice was mailed and posted as required under
- 12 Subsection 15.34.030.K.2, above.
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- 14 2. Public Hearing Required. If an appeal is timely submitted, an independent
- 15 hearing officer selected by the City shall hold a public hearing. The City
- 16 Clerk shall set a date for the hearing that is at least fifteen (15) business
- 17 days, but no more than sixty (60) business days, after the City Clerk's receipt
- 18 of the appeal, unless the applicant and any person submitting an appeal agree
- 19 to a later hearing date.
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- 21 3. Notice of Public Hearing Date. At least ten (10) business days before the
- 22 public hearing, the City Clerk shall notify in writing any person submitting
- 23 an appeal, the applicant, and any City department that reviewed the
- 24 application of the date set for the public hearing. The City Clerk shall follow
- 25 its regular procedures for notifying the general public of the hearing.
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- 27 4. Public Hearing Record. The public hearing record shall include:
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- a. The application and the Department of Public Works' approval of the application;
 - b. Any written determination from the Department of Public Works;
 - c. Any further written evidence from any City departments submitted either prior to or during the hearing;
 - d. Any written submissions from the applicant, any person submitting an appeal, or any other interested person submitted either prior to or during the hearing; and
 - e. Any oral testimony from any City departments, the applicant, any person submitting a protest, or any interested person taken during the hearing.

1 5. Hearing Officer Determination. The Hearing Officer shall issue a written
2 resolution containing its determination within fourteen (14) business days
3 following the close of evidence at the conclusion of the public hearing on
4 the appeal. The resolution shall include a summary of the evidence and the
5 ultimate determination whether to grant, grant with modifications, or deny
6 the appeal.

7 6. Notice of Determination on Appeal.

8 a. The City Clerk shall promptly mail a notice of a determination on an
9 appeal to both the applicant, to any neighborhood association identified by
10 the Department of Development Services for any neighborhood within three
11 hundred (300) feet of the approved wireless telecommunications facility, and
12 to any person who either filed a protest, submitted evidence, or appeared at
13 the hearing, and whose name and address are known to the Department of
14 Public Works.

15 **IV. LEGISLATIVE BACKGROUND FOR WIRELESS TELECOMMUNICATIONS**

16 **FACILITIES**

17 **1. Federal and State Laws and Regulations**

18 In 1996, Congress conducted a major overhaul of the telecommunications law in almost
19 62 years in the Telecommunications Act of 1996 (“Act”). The goal of this new law is to let
20 anyone enter any communications business—to let any communications business compete in any
21 market against any other. The Federal Communications Commission (“FCC”) was then tasked
22 to create fair rules for this new era of competition. The advent of the newest generation of
23 wireless broadband technology known as “5G” requires the installation of thousands of “small
24 cell” wireless facilities. These facilities have become subject to a wide variety of local
25 regulations. *City of Portland v. United States* (9th Cir. 2020) No. 18-72689, p. 29. The
26 Federal Communications Commission (FCC) in 2018 therefore promulgated orders relating to
27 the installation and management of small cell facilities, including the manner in which local
28 governments can regulate them. Id. Sections 253(a) and 332(c)(7) of the Act provided FCC with

1 the statutory authority for limiting local regulation on the deployment of [5G] technology that
2 reflects congressional intent in 1996 to expand deployment of wireless services. *Id.* at p. 30.

3 These limitations provide that local government regulations:

- 4 a. shall not unreasonably discriminate among providers of functionally equivalent
5 services, 47 U.S.C. § 332(c)(7)(B)(i)(I);
- 6 b. shall not prohibit or have the effect of prohibiting the provision of personal
7 wireless services, 47 U.S.C. § 332(c)(7)(B)(i)(II);
- 8 c. a local government ... shall act on any request for authorization to place,
9 construct, or modify personal wireless service facilities within a reasonable period
10 of time after the request is duly filed with such government¹. 47 U.S.C. §
11 332(c)(7)(B)(ii).
- 12 d. No State or local government or instrumentality thereof may regulate the
13 placement, construction, and modification of personal wireless service facilities
14 on the basis of the environmental effects of radio frequency emissions to the
15 extent that such facilities comply with the Commission's regulations concerning
16 such emissions. 47 U.S.C. § 332(c)(7)(B)(iv).

17 Those provisions authorize the FCC to preempt any state and local requirements that “prohibit or
18 have the effect of prohibiting” any entity from providing telecommunications services. *Id.* *See*
19 *also* 47 U.S.C. § 253(a), (d). Consequently, the FCC promulgated orders limiting local
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26 ¹ The FCC has specifically shortened the shot clock for approving/denying applications for installation
27 of WTFs on existing infrastructure (i.e., collocation) from 90 to 60 days and from 150 to 90 days for all
28 other collocation applications. *Accelerating Wireless Broadband Deployment by Removing
Barriers to Infrastructure Inv.*, 33 FCC Rcd. 9088 (2018), ¶¶ 104–05, ¶ 132, ¶ 136).

1 governments in regulating the deployment of 5G technology in order to remove the barriers to
2 entry for businesses to compete in the telecommunications market.

3 California case law and statutory authorities provide additional regulatory guidance for
4 installation of WTFs. Wireless providers are granted a statewide franchise to engage in the
5 telecommunications business. Pub. Util. Code § 7901; *see also T-Mobile West LLC v. City and*
6 *County of San Francisco* (2019) 6 Cal.5th 1107, 1117). In *T-Mobile*, the California Supreme
7 Court held that while the California legislature did not intend to deprive local governments of
8 the ability to impose aesthetic regulations and public safety issues, local agencies must
9 nonetheless respect that statewide franchise when making decisions on proposed facilities. *Id.*
10 Further, California Public Utilities Commission (“PUC” or “Commission”) reserves the right to
11 preempt local decisions about specific sites “when there is a clear conflict with the
12 Commission’s goals and/or statewide interests.” (PUC, General order No. 159-A (1996) p. 3
13 (General Order 159A), available at < <http://docs.cpuc.ca.gov/PUBLISHED/Graphics/611.PDF>>
14 Generally, the PUC will step in if statewide goals such as “high quality, reliable and widespread
15 cellular services to state residents” are threatened. (*T-Mobile West, supra*, 6 Cal.5th at 1124,
16 citing General Order 159A, at p. 3.).
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20 **2. The City’s Telecom Ordinance**

21 On May 1, 2018, the City adopted LBMC §15.34, Wireless Telecommunications
22 Facilities in the Public Rights-Of-Way (“Telecom Ordinance). The Telecom Ordinance governs
23 the installation of WTFs within the jurisdiction of the City of Long Beach, and the City’s scope
24 of regulatory authority for the installation of WTFs is limited to this ordinance. The Telecom
25 Ordinance provides for the requirements and standards for WTFs in the public right-of-way.
26 These include comprehensive permit requirements and standards (LBMC 15.34.030.B),
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1 application process requirements (application, review, and approval) (LBMC 15.34.030.D),
2 conditions of approval (LBMC 15.34.030.F), notice following approval (LBMC 15.34.030.K),
3 and the appeal process of a Tier B² WTF permit (LBMC 15.34.030.L). The Telecom Ordinance
4 also provides for, among others, compliance and modifications, of WTFs after installation
5 (LBMC 15.34.030.N; LBMC 15.34.030.S).

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7 **V. STATEMENT OF ISSUES OF APPEAL BEFORE THE HEARING OFFICER**

8 By letter dated April 8, 2020, Appellant stated her objections as follows:

- 9 1. “A 10-day notice is not enough time to gather a large response from those
10 affected;”
11 2. “This installation notification was placed in a country wide shut down due to
12 Covid-19 virus. I feel the timing of this notification was intentional so that [I
13 would 1.) not see the notification because I am quarantined in my home and
14 advised not to go outside, 2.) Not have ample time to respond due to postage
15 delays, 3.) Not be able to respond in person due to city shut downs;”
16 3. “Property value decrease. Having an unsightly device directly in front of my
17 home hugely impacts the value of my home;”
18 4. “Health concerns;”
19 5. “The covert way in which the decision which greatly impacts myself and my
20 family was told to me until after the decision was made. My neighbors were also
21 uninformed;”
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27 ² “Tier B Wireless Telecommunications Facility” means a wireless telecommunications facility
28 where the proposed location for the facility is in a Planning Protected Location, Coastal Zone
Protected Location, or Zoning Protected Location.

1 6. “I feel my particular neighborhood was targeted. Areas with higher property
2 values are not targeted for these devices.” (See Respondent’s Ex. 1)

3 Appellant then requested a formal hearing with regard to her objections.

4 **VI. SUMMARY OF RELEVANT EVIDENCE INTRODUCED BY PARTIES**

5 **1. Appellant’s Evidence**

6 During the WebEx virtual hearing on October 5, 2020, this hearing officer explained to
7 all the participants the guidelines for the hearing. These include examination of witnesses and
8 presentation of evidence. It was stated on the record that the hearing officer received the City’s
9 submission package³ in advance of the hearing both in hardcopy and electronic format. The
10 hardcopy was received by this hearing officer’s business address and included a Proof of Service
11 indicating that the hardcopy was sent by FedEx to the hearing officer’s address, the Appellant’s
12 address on record, and the Applicant’s address on record in care of its representative, Stephen
13 Garcia. The package also included a Proof of Service that the electronic copy was transmitted to
14 the email addresses of the hearing officer, the Appellant⁴, and the Applicant’s representative.
15 However, when Appellant was asked on the record if she had received the City’s submission
16 package, she responded that she had not. Appellant then requested a continuance of the hearing
17 in order for her to obtain legal representation. The City responded that Appellant had already
18 stated on the record that she had no additional evidence to offer, and that Appellant’s non-receipt
19 of the City’s opposition brief package was inconsequential to Appellant’s case. The Applicant
20 joined the City and further stated that specific timelines are involved in the appeal process and a
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26 ³ The City’s submission package included a copy of Appellant’s letter dated April 8, 2020.

27 ⁴ The email distribution list shows four (4) different email addresses that belong to Appellant or
28 persons residing at the same address as Appellant.

1 substantial delay had already occurred between Appellant’s filing of the appeal and the formal
2 hearing itself. Upon consideration of specific timelines and responsibilities of this hearing officer
3 set forth in the Long Beach Municipal Code, Appellant’s request for a continuance was denied.
4 Appellant then affirmed on the record that she had no additional evidence she wished to offer in
5 support of her appeal.
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7 **2. The City’s Evidence**

8 In advance of the formal hearing, the City submitted the following evidence in support of
9 its opposition to the appeal:

- 10 • April 8, 2020 Appeal Letter to the City of Long Beach from Dianne Walker
11 (Respondent’s Ex. 1)
- 12 • Crown Castle NG West LLC’s August 8, 2019 City of Long Beach Application
13 (Respondent’s Ex. 2)
- 14 • Maintenance Plan Letter to Public Works Department from Conrad Ramirez of
15 Crown Castle (Respondent’s Ex. 3)
- 16 • Ericsson Radio Description - Radio 2203; Noise Analysis No. 1 (Respondent’s Ex. 4)
- 17 • Ericsson Radio Description - Radio 2205; Noise Analysis No. 2 (Respondent’s Ex. 5)
- 18 • Propagation Maps – Crown Castle (Respondent’s Ex. 6)
- 19 • Structural Analysis (Respondent’s Ex. 7)
- 20 • RF Emissions Compliance Report (Respondent’s Ex. 8)
- 21 • March 2, 2020 – Approved Application (Respondent’s Ex. 9)
- 22 • Mailing List (Respondent’s Ex. 10)
- 23 • Mailing Map (Respondent’s Ex. 11)
- 24 • March 15, 2020 - Proof of Mailing Preparation by Laura Emerson of Susan W.
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Case, Inc. (Respondent’s Ex. 12)

- March 19, 2020 – USPS Proof of Mailing (Respondent’s Ex. 13)
- March 30, 2020 – Proof of Posting No. 1 (Respondent’s Ex. 14)
- March 30, 2020 – Proof of Posting No. 2 (Respondent’s Ex. 15)

The city offered no additional evidence on the record during the hearing.

VII. DISCUSSION

1. 10-day Notice

Appellant’s first issue is two-fold in that a 10-day notice is legally insufficient and that a large response is required for the appeal process. However, either argument is without merit. A large response from those affected is not required for the appeal process. In fact, the appeal process provides that “any person owning or residing at property that is adjacent to or across the street to the location of a proposed Tier B Wireless Telecommunications Facility, may appeal an approval or denial of an application for a Tier B Wireless Right-of-Way Facility Permit. LBMC 15.34.030.L. Although Appellant could have gathered a large response from others who may be affected by the proposed WTF before filing the appeal, the Appellant nonetheless exercised her right to file the appeal without the participation of anyone else. If Appellant had wanted to provide a “large response from those affected,” she could have done so prior to or during the formal hearing on the Appeal. LBMC § 15.34.030.L.4 (public hearing record include “any written submissions from the applicant ... or any other interested person submitted either prior to or during the hearing” and “any oral testimony from ... any person submitting a protest, or any interested person taken during the hearing”). It is also worth noting that the formal hearing was conducted on October 5, 2020—almost six (6) months after

1 Appellant submitted her appeal letter. Appellant had ample time to gather responses from those
2 affected and submit or present them prior to or during the hearing, but failed to do so.

3 Further, Appellant’s argument that a 10-day notice is insufficient is also without merit.
4 The Telecom Ordinance is clear on its face in that an appeal must be in writing and must be
5 submitted to the City Clerk within ten (10) business days of the date the notice was mailed and
6 posted. LBMC 15.34.030.L.1. By Appellant’s timely appeal letter dated April 8, 2020 (See
7 Respondent’s Ex. 1), Appellant’s argument is also rendered moot in that she exercised her right
8 to file the appeal within 10 days of the date (March 30, 2020) the notice was posted (See
9 Respondent’s Ex. 15).
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11 **2. Covid-19 and Appeal Process**

12 Appellant also argues that Covid-19 impacted her ability to see and respond to the notice.
13 (See Respondent’s Ex. 1). As before, Appellant’s argument is also without merit and rendered
14 moot. Appellant filed the Appeal with the City on April 8, 2020, one day before the April 9,
15 2020 appeal deadline. (See Respondent’s Ex. 1). The fact that Appellant timely filed her appeal
16 and a formal hearing was conducted on the appeal only evidences that Covid-19 did not impede
17 Appellant’s right to appeal the proposed WTF.
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19 **3. Property Values**

20 Appellant’s next argument hinges on “Property value decrease. Having an unsightly [sic]
21 device directly in front of my home hugely impacts the value of my home.” (See Respondent’s
22 Ex. 1). As with her previous arguments, the Telecom Ordinance is silent with regard to property
23 values and does not factor this criterion in evaluating WTF installations. LBMC 15.34.030.
24 Consequently, the Telecom Ordinance does not vest in this hearing officer the authority to
25 consider property values in determining whether to deny or uphold the approved permit.
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1 **4. Health Concerns**

2 Appellant’s fourth issue for appeal is “Health concerns.” (See Respondent’s Ex. 1).
3 Appellant’s letter does not explain or elaborate “health concerns.” Appellant also did not submit
4 any relevant evidence in support of this issue prior to or during the hearing. Without more, this
5 hearing officer can only assume that Appellant’s reference to “health concerns” relates to the
6 alleged impact of radio frequency emissions on human health. However, the City’s regulatory
7 authority in this regard is preempted by federal law. 47 U.S.C. § 332(c)(7)(B)(iv) (“No State or
8 local government or instrumentality thereof may regulate the placement, construction, and
9 modification of personal wireless service facilities on the basis of the environmental effects of
10 radio frequency emissions to the extent that such facilities comply with the [FCC]’s regulations
11 concerning such emissions.) The Applicant’s submission of an Emissions Compliance Report
12 demonstrating that the emissions from the proposed WTF is within general population and
13 occupational limits established by the FCC for radio frequency emissions complies with FCC
14 regulations. (See Respondent’s Ex. 8). There is, therefore, no basis to deny the approved permit
15 for the proposed WTF on the basis of “health concerns.”
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19 **5. “Covert” Decision Making Process**

20 Appellant fifth issue asserts that “[t]he covert way in which the decision which greatly
21 impacts myself and my family was told to me until after the decision was made. My Neighbors
22 were also uninformed.” (See Respondent’s Ex. 1). Appellant’s letter does not elaborate which
23 “decision” was covert. If Appellant refers to the application process for the Applicant’s permit as
24 “covert,” the Telecom Ordinance actually provides in detail all the necessary steps undertaken by
25 the City and the Applicant. LBMC 15.34.030. Further, the Telecom Ordinance is readily
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1 available for members of the public to view on the internet and at many locations throughout the
2 City.

3 If Appellant otherwise asserts that the appeal process is “covert,” Appellant and her
4 surrounding neighbors received actual notice of the permit for the proposed WTF both by mail
5 and posting at the Site. (See Respondent’s Ex. 13 [proof of mailing]; Respondent’s Ex. 14 [proof
6 of posting]; Respondent’s Ex. 15 [proof of posting]). The Telecom Ordinance provides for
7 public noticing as a pre-condition of the appeal. LBMC 15.34.030. The appeal process itself is
8 not covert as evidenced by the fact that Appellant filed a timely Appeal for which a formal
9 hearing was conducted and heard by this hearing officer. Prior to and during the hearing, all
10 parties were provided a reasonable opportunity to present their arguments and any relevant
11 evidence in support of those arguments. Id. Appellant also asserts that the “decision” was not
12 told to her and her family until it was made. However, as the appeal is still ongoing and a
13 determination or “decision” has not been made by this hearing officer, Appellant’s assertion is
14 without merit.
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17 **6. Appellant’s Neighborhood was Targeted**

18 Appellant also claims that “I feel my particular neighborhood was targeted. Areas with
19 higher property values are not targeted for these devices.” (See Respondent’s Ex. 1). Although
20 the selection of the site of the proposed WTF may not have been arbitrary, it was also not
21 “targeted” as the Appellant claims, but was made out of technical necessity. The record shows
22 that the City required Applicant to provide propagation maps showing both the existing and
23 proposed coverage in the vicinity of the Site. (See Respondent’s Ex. 6). Those maps indicate that
24 it was necessary to locate the proposed WTF at the Site in order to improve existing coverage at
25 and around that location from “fair” to “excellent.” (Id.). The Applicant and City’s objective to
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1 improve signal coverage in and around the site is consistent with the City's plan allowing
2 provision of wireless communications services adequate to serve the public's interest within the
3 City. LBMC 15.34.010.

4 **VIII. RECOMMENDATION**

5 Appellant is a credible witness. This hearing officer has no reason to doubt the veracity
6 and sincerity of Appellant's statements in either her appeal letter or during the formal hearing.
7 However, inasmuch as Appellant voiced her concerns and grievances, Appellant has otherwise
8 offered no legal basis or relevant evidence in support of her appeal. In contrast, the City
9 submitted a comprehensive package in opposition to the appeal that included its brief and
10 supporting legal authorities and relevant evidence. The City's evidence included all the
11 materials and documentation that the Applicant submitted to the City as part of the application
12 process. After four (4) rounds of plan review and revisions, the City determined that the
13 Applicant's proposed WTF met all the applicable requirements and standards set forth in the
14 LBMC 15.34, and approved the permit application accordingly. As stated above, this hearing
15 officer is bound by the provisions of the LBMC 15.34, and cannot look elsewhere in making its
16 determination. Accordingly, this hearing officer has found nothing on the record to determine
17 that the Applicant's permit for the proposed WTF was granted in violation of LBMC 15.34.
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21 Based on the foregoing, this hearing officer hereby recommends that Appellant's
22 appeal be denied and that Applicant's permit for the proposed WTF be upheld.
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24 Dated this 23th day of October 2020

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26 /s/ JONATHAN C. NAVARRO, ESQ.
27 Hearing Officer
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